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09/473,356

12/28/1999

Erkki Tanskanen

006064/00014

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01/29/2004

SCHEEF & STONE, L.L.P.

5956 SHERRY LANE

SUITE 1400

DALLAS, TX 75225

EXAMINER

LONSBERRY, HUNTER B

ART UNIT

PAPER NUMBER

2611

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13

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/473,356

Applicant(s)

TANSKANEN, ERKKI

Examiner

Hunter B. Lonsberry

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to:
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claims 1-48 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,470,378 to Tracton in view of U.S. Patent 6,128,653 to del Val and U.S. Patent 6,049,551 to Hinderks.

Regarding claims 1, 9, 17, 25, 33, and 41, Tracton discloses a number of scalable webpages and scalable MPEG video content which is delivered to users over a network from a server, based upon the users connection speed, that is, a lower connection speed, such as a user with a 56k modem receives a lower bitrate copy of the media than a user with a landline 1.5Mbbs connection, a user may utilize a java enabled web browser on a mobile phone to download lower bitrate content (Figures 5/6, column 4, line 33-column 5, line 46, column 7, line 15-column 8, line 5). Tracton inherently transmits control commands via a wireless interface as Tracton discloses a user using a cell phone. Tracton inherently makes use of a video display, power supply and input device within a

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cell phone as all three are required to operate a cell phone and view content.

Tracton does not disclose transmitting a control command to alter presentation characteristics of received motion video or synchronizing a sequence of video images with an audio track or a command to maintain synchronization between audio and video data. del Val discloses a web browser plugin which enables a web browser to transmit HTTP commands which enable a user to manipulate a video stream, for example stop, play rewind, fast forward and pause (column 9, line 12-column 10, line 11). Hinderks discloses a system in which mpeg audio and video are synchronized together via a time stamp 456 (column 3, line 1-column 4, line 5), multiple languages may be offered for a program, carried in different packet streams, all associated with the same video signal (column 12, line 46-column 14, line 40). Hinderks inherently contains a synchronization command to keep the multiple audio streams synchronized with the same video stream, otherwise a user who changes languages for a program would find an audio stream which would be out of sync with the video, thus rendering the program unwatchable. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Traction to utilize the HTTP video manipulation commands of del Val and utilizing multiple audio streams synched to a video stream as taught by Hinderks thereby enabling a user to rewatch part of an MPEG segment they were interested in and enabling a user to hear audio in a language they understand which is associated with a video they are watching.

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Regarding claims 2, 15, 18, 26, 34, 42 Tracton discloses a number of scalable webpages and scalable MPEG video content which is delivered to users over a network, including cell phone users. Tracton's data stream inherently utilizes a plurality of Intra frames as Tracton utilizes MPEG 1-4 video. Hinderks discloses a system in which mpeg audio and video are synchronized together via a time stamp 456 (column 3, line 1-column 4, line 5), multiple languages may be offered for a program, carried in different packet streams, all associated with the same video signal (column 12, line 46-column 14, line 40). Hinderks inherently contains a synchronization command to keep the multiple audio streams synchronized with the same video stream, otherwise a user who changes languages for a program would find an audio stream which would be out of sync with the video, thus rendering the program unwatchable. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Traction to utilize the HTTP video manipulation commands of del Val and utilizing multiple audio streams synched to a video stream as taught by Hinderks thereby enabling a user to rewatch part of an MPEG segment they were interested in and enabling a user to hear audio in a language they understand which is associated with a video they are watching.

Regarding claims 3-7, 10-14, 19-23, 27-31, 35-39, and 43-47, del Val discloses a web browser plugin which enables a web browser to transmit HTTP commands which enable a user to manipulate a video stream, for example stop, play rewind, fast forward and pause (column 9, line 12-column 10, line 11).

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Tracton/del Val does not disclose multiple control commands, a second video stream or synchronization commands. The examiner takes official notice that issuing more than one video control command is well known in the art, for example a user fast forwarding during commercials and into a program they wish to watch, then issuing a rewind command to rewind to the start of a program after a commercial break. The examiner takes official notice that transmitting a second MPEG stream, as a trick play stream is well known in the art. Hinderks discloses a system in which mpeg audio and video are synchronized together via a time stamp 456 (column 3, line 1-column 4, line 5), multiple languages may be offered for a program, carried in different packet streams, all associated with the same video signal (column 12, line 46-column 14, line 40). Hinderks inherently contains a synchronization command to keep the multiple audio streams synchronized with the same video stream, otherwise a user who changes languages for a program multiple times would find an audio stream which would be out of sync with the video, thus rendering the program unwatchable. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Tracton/del Val to enable a user to issue a second control command and a trick play stream thereby insuring that a user does not fast forward past a point of interest in a video stream and to utilize multiple audio streams synchronized with a video, thus enabling a broader range of viewers to watch a program in a language they understand.

Regarding claims 8, 16, 24, 32, 40, 48, Tracton discloses a number of scalable webpages and scalable MPEG video content which is delivered to users

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over a network, based upon the users connection speed, that is, a lower connection speed, such as a user with a 56k modem receives a lower bitrate copy of the media than a user with a 1.5Mbps connection, a user may utilize a java enabled web browser on a mobile phone to download lower bitrate content (Figures 5/6, column 4, line 33-column 5, line 46, column 7, line 15-column 8, line 5). Tracton inherently utilizes a digital cellular telephone network with digital base stations as a digital network is required for transmitting MPEG video and web content.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,487,642-B1 to Duruoz: Command Manager.

U.S. Patent 5,923,755 to Birch: Multiservice Data Receiver Architecture.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-308-5359.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

HBL



VICTOR R. KOSTAK  
PRIMARY EXAMINER